

THE ISSUE OF GUN CONTROL: MY BIG BANG THEORY

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It's amazing what people see when they flip on the six o'clock news; in Chicago, Illinois, a six-month old child is shot in the head by an angry driver with a gun (WABC 4-6). In Detroit, Michigan, a three-year old boy is shot to death in a random drive-by shooting (WFLD). In La Porte, Indiana, a sixteen-year old girl and an eighteen-year old boy are tortured, stabbed, and shot to death in the boy's home (WABC 4-13). In fact, in America firearms kill more people ages 15-24 than all natural causes combined. Gun deaths and suicides total 37,000 plus a year, with homicides claiming 13,000 a year (Morganthau 33). It is evident America is in a crisis. In the midst of this crisis are two prominent groups, both agreeing there is a grave problem and both with their own very different solutions to the crisis. The gun advocates are comprised of the American Civil Liberties Union (ACLU) and the National Rifle Association (NRA); while the gun control advocates are made up of concerned Americans, and headed by James Brady and his foundation, The Center to Prevent Handgun Violence (CPHV). The gun advocates, who defend Americans' rights to own guns, say that protection is the only way to curb and prevent crime, while the opposing view of control advocates is that fewer guns is the only way to reduce crime. Gun control laws in themselves will do little. If any problems connected to crime and violence are to be solved, society needs to understand the complex issues behind the misuse of guns.

Our forefathers deemed it necessary when writing the Constitution to add the second amendment which makes provisions for, "A well regulated militia, being necessary to the security of a free state . . ." James Madison also articulated his and his fellow American's sentiments at the time, "The advantage that Americans have over other nations is that they are armed" (qtd. in *Nat'l. Review* 16). We, as Americans, are endowed with the right to own, "keep," and "bear" arms. The NRA stands behind the second amendment when pleading its case. However, the NRA doesn't exist in a vacuum. We, as Americans, have it in our blood that we need guns for protection. We cannot fully put our trust in authority (Kates). Demographics indicate that today's gun buyer is generally a 28 to 42 year old male with a college education and children, who feels he is purchasing protection (Schoolfield 40). Gun proponents feel that Americans need guns to feel safe and be safe. It is not wrong for individuals to own guns; rather, it is their right. Moreover, it is a right guaranteed by the Constitution.

As of late, though, it appears as though the right to "bear arms" and "provide for the common defense" conflicts with another Constitutional right--the right of "insured domestic tranquillity" (Preamble). All the heinous crimes, homicides and suicides are not providing America the peace and societal well-being our forefathers, as well as we, wish for ourselves.

Gun control advocates claim that the second amendment is legally ambiguous (Idelson 1021), and that militias of colonial America are not

comparable to self-defense of modern America in the age of handgun violence (*Nat'l Review* 17). Comparing the situation of individuals living in colonial times to individuals now is like comparing apples and oranges. It's just not a fair comparison, according to gun control proponents. In those days men needed to keep firearms in the home in case they were called out to fight against any entity threatening the new state. Or is it wrong to compare? Isn't it the same thing when someone threatens one's family? Shouldn't we still apply the principles of the Constitution to our situation today? James Jay Baker, chief lobbyist for the NRA, feels we should: "The second amendment is not about duck hunting. In the 1990's, it is about self-defense" (qtd. in Idelson 1026). One side says more guns, one says fewer guns. What is America to do in this conflict of interest? As red-blooded Americans we want our rights, but we also want safety. Both of these are very important and we refuse to sacrifice one for the other. However, some compromise must be reached.

In order to reach this "compromise" it may do America well to look to other countries and how their gun laws have failed and succeeded. For example, in Japan to purchase a firearm requires the prospective buyer to take instruction and safety classes, pass a written test, pass a shooting test, pass a mental evaluation at a hospital to prove to the police their mental stability, pass a test to show they are not nor have they been addicted to drugs, withstand police investigation of all relatives and they themselves to see if they are crime-free. In addition, any purchaser with membership in aggressive political or activist groups is denied. Gun owners are required to store the gun in a special locker, keeping the ammunition separate, and the police must have a map as to the whereabouts of the gun. Anyone caught buying guns illegally is given a minimum one year prison sentence, and all homes are subject to random visits. On average fewer than 200 violent hand gun crimes are committed annually in Japan, almost all of these by Boryokudan, an organized crime group (Kopel 21).

In Great Britain, a purchaser needs a special license, and proof that possession of firearms will not endanger public safety. On the other end of the market, dealers are strictly regulated and subject to stringent record keeping. Crime rate in Britain is low and one would be ten times as likely to find a gun in a home of an American as in that of a Briton (Kopel 59).

In Canada, a Firearms Acquisition Certificate is needed along with police records in order to buy a gun. After these laws were instituted in Canada in 1977, there was a 24% drop in crime. However, statistics can be deceiving: knives replaced guns in homicides, and the percentage perpetrated with guns remained relatively stable (Kopel 96). One prevalent theory among gun control advocates is that the U.S. is the only modern democracy without strict gun controls. The U.S. suffers higher crime rate than those democracies with strict control. Therefore it follows that strict gun control would lower crime rate (Kopel 13). But American and foreign scholars discount the supposed successes of foreign gun laws, instead crediting their lower crime rate to socio-cultural and economic factors (Kates). So how does America compare to other countries, legislatively speaking?

The first big wave of federal legislation on firearms occurred in the 1930's because of gangsters. Then in 1968 the federal government was prodded to create more laws due to the assassinations of Reverend Dr. Martin Luther King Jr. and Senator Robert F. Kennedy (Idelson 1021). Today we have the Brady Bill, named after James Brady, an aide to President Reagan, who was badly injured and partially paralyzed after an attempt on the President's life in 1981. Under the Waiting Periods HR 1025, S414 Brady Handgun Violence Prevention Act, customers have to wait five business days to obtain fire arms, during which time police have to make "reasonable effort" to check buyers' backgrounds. If the police were to reject anyone they would have to explain the rejection within twenty days if asked. There is also provision within this bill for states to obtain up to 200 million dollars a year in federal aid to upgrade criminal record keeping. Gun thefts from licensed dealers would become a matter for federal courts to deal with, and fees for federal firearms licenses would rise from \$30.00 to \$200.00 (Witkin 25). The Brady Bill also has components to ban manufacture, sale and possession of nineteen types of semi-automatic assault weapons, prohibit sale or transfer of guns to minors, and try youth accused of violent crimes as adults (Facts 877).

Also up in Congress are the following bills: the Assault Weapons Bill: S639, HR1472, outlawing nine assault weapons for three years, which aims at curbing violent and drug-related crime (there could also be measures added to increase penalties for drive-by shootings); the Semi-Automatic Weapons Bill: S653, SAW Violence Act, which would ban more than twenty semiautomatics as well as magazines that hold more than ten rounds; and the Limits on Purchases Bill: HR544 Multiple Handgun Transfer Prohibition Act, which would limit to one the number of handguns consumers could purchase per month.

In regards to taxes are the following bills: Gun Taxes: S496, which would increase the \$10.00 annual fee to \$750.00 on dealers; Liability HR737, Strict Liability for Safer Streets Act, which would make it possible for people injured by firearms to sue gun manufactures and importers in federal court (it would also double federal excise tax from ten to twenty percent; with dollars from this increase to be used for medical care for uninsured hand gun violence victims); and lastly, the Bullet Taxes: S179, Real Cost Ammunition Act, which would impose new taxes on 9mm, .25 caliber and .32 caliber bullets (Idelson 1025). Still the most recognized bill is the Brady Bill. The reactions to this bill are very mixed:

"It's very hard to defy the logic that appears to be imbedded in the Brady Bill," says Senator Larry E. Craig, an Idaho Republican and member of the NRA Board of Directors. "It is an emotional issue now that people are championing as the cause celebré to reduce crime." (qtd. in Idelson 1025)

The Brady Bill has been deemed by some to be a bloated attempt at solving the problems America faces. Many advocates feel the Brady Bill will just hinder upstanding citizens from attaining protection while criminals keep buying and selling guns on the black market (*Congressional Q.W.R.* 3127). Gun availability is not what entices

criminals into crimes. Most guns that are privately owned are used to repel crime. In addition, resisting an attack with a gun puts the victim at a less likely chance of being injured (*Nat'l Review* 17). Statistics show that hand guns are used to deter crimes three times more than criminals misuse guns (Kates).

The Brady Bill has also been called an "unsupported assumption" and a gesture of "political symbolism" (Morganthau 34). A lot of gun advocates feel the Brady Bill is just giving the public some false hope. Many others agree, holding to the idea that the Brady Bill is just some legislation created by politicians to make themselves seem crime conscious. Surveys show guns as being beyond the control of the Brady Bill. According to criminologist specialist Gary Kleck of Florida State University, "Gun acquisition is like a sieve; you plug up one hole, the water flows more quickly through the other holes" (qtd. in Witkin et al. 26).

The American Society of Criminology hails Kleck's research as "the most outstanding contribution to criminology in years." Leading criminologists today reject the 1960's Eisenhower Commission's view "that the heart of any effective national firearms policy for the U.S. [is] to reduce the availability of handguns." (Kates)

It seems logical, after all, that guns are the root of the problem. If America starts chipping away at the availability of guns it should begin to solve its problem with crime and violence, or so it seems. According to a three year study by the National Institute of Justice (1978-1980), there is "no causal connection between private gun ownership and crime rate" (Kates). So then it seems as though we are grappling for a solution where there is none to be found. We feed on our own fear as the crime waves send many "anti-gun" individuals into the gun shops for "protection." It seems like a Catch 22: we want fewer guns, but we buy more guns to make sure we are safe from the deviant members of society that have them. Our perception of the situation becomes reality. We perceive ourselves as vulnerable and needing a gun, yet we don't want just anyone to have one. "People are looking for anything, something to get this problem under control," says James Jay Baker, the top lobbyist for the NRA, in light of the siege in Waco, Texas (qtd. in Idelson 1023). We are having a feeding frenzy on our fear as we watch situations such as the one in Waco, Texas develop. In this frenzied state we cannot see clearly and sometimes refuse to accept the fact that gun control laws alone are not going to cut it. We need first to consider where criminals get their guns. Thirty-two percent of criminals get guns from theft, seventeen percent from retail purchase and forty percent from the black market or borrowing (Witkin et al. 25). So making the purchasing laws tighter is only going to have limited effects. Another aspect of the Brady Bill is to put into effect the certified background check for a nationwide instant-check system. The bill would authorize \$100 million per year to create a system (*Congressional Q.W.R.* 3128). However this background check of the prospective buyer is basically ineffective as well. Republican Ernest Jim Istook Jr., from Oklahoma makes a valid point with his criticism of the background check: "Criminals are unlikely to do their gun shopping from legal dealers, using their real names" (3130). Also, the actual

felonies or being a fugitive is only one to two percent (Witkin et al. 26). What do gun control advocates have to say to all of these criticisms? Gun control advocates rally back that it [the Brady Bill] is not a "panacea"; it's a "cornerstone" that must be built on (Morganthau 33).

We are too caught up in our fears and the quarreling of these two vastly different sides of the gun control debate to see the real problem. Mark U. Moore, political science expert, The Kennedy School of Government at Harvard University, has a healthy perspective on the situation: "Gun control advocates focus on controlling guns, and often slight the legitimate use of firearms. Opponents try to fix the problem solely on a finite group of 'criminals'" (qtd. in Idelson 1025). So where then should we focus? How do we find a healthy medium? We first need to understand some basic facts before we seek to find solutions. There is a disparity between America and other countries. Comparatively speaking, America is a much newer nation. This is a big reason as to why their laws wouldn't be effective here. Another reason is the growing use of illegal drugs (Blodgett 30). Gun laws, like any other laws, have their limits. Guns will not vanish overnight; there will always be illegal activities. Criminals are criminals by definition because they don't comply with laws. But most importantly the availability of guns does not determine the violence level of a society; rather the violence is determined by socio-economic and cultural factors (Kates). We need only to look around us for evidence. Violence is everywhere, from the news, to our favorite sitcoms, to the cartoons our youth absorb. Violence has become so much a part of our lives that we almost forget it is there. Almost, that is, until it manifests itself about us in the form of shootings and crime. One of the big reasons our crime rate is so high, and other countries' is not, has to do with our culture:

Americans, however much they may deplore and fear violence, are not so deeply shocked by it as the English are. Our entertainment and our serious writing are suffused with violence to a notorious degree . . . [Americans endure violence] as part of the nature of things, and as one of the evils to be expected from life. (Hofstadter 6)

We should not have to put up with violence and accept it as a "normal" part of life. We need to pay more attention to the subtle injections of violence that we, and the youth of today, are given. We need to recognize these "infusions" and guard ourselves against them. The media is much to blame, yet they only give us what we want to see. Collectively American society has to change its demands before we see crime and violence begin to change.

President Clinton has called for "moral exhortation" to solve the crisis we are in. But the public seems to be looking for more "concrete" ideas for arresting crime (Witkin et al 26). It seems as though the solutions we are searching for will not work and are simply spit into the wind. As a nation, for some reason, it is easier to pump billions of dollars into a program that gives limited results and false security than look at ourselves in the mirror and admit what we have is a moral dilemma. Change needs to occur from within before we see the results from the outside, or in the outer facets of society. That is not to say gun purchasing

similar to those against driving under the influence (Schoolfield 40). Just as these stringent laws curbed deaths and the awareness campaigns heightened respect for the use of alcohol, so could the same prove true for guns. Just as alcohol is not bad in itself, so too, guns in themselves are not bad. It is all a matter of how the product is used. Josh Sugarmann, gun research expert for Washington D.C., is accurate in saying, "Guns should be held to the same standard as other consumer products: If the harm outweighs the good, the product should be made safe or banned" (Gest 26). Evidence shows that banning will not work, so we need to make guns safe. Education, awareness, and moral alterations are the only way we will be able to flip on the news and see fewer and fewer of these terrible stories.

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